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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,429	02/06/2006	Yasuhiro Hayashi	032213 M 041	8438
441	7590	11/02/2006	EXAMINER	
SMITH, GAMBRELL & RUSSELL 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			JAGAN, MIRELLYS	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/567,429	HAYASHI ET AL.	
	Examiner	Art Unit	
	Mirellys Jagan	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) 5, 9 and 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-17 are objected to because of the following informalities:

In claim 1, there is lack of antecedent basis in the claim for "said dimensions" in line 8.

In claims 2 and 3, it is not clear what is meant by "the order named" by the longitudinal direction.

Claims 4-17 are objected to for being dependent on an objected base claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-8, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP09218106 to Haneda.

Haneda discloses an electronic clinical thermometer for measuring a body temperature of an organism, which comprises:

a temperature measuring element for detecting a temperature;

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a display device for displaying the temperature measured by the temperature measuring element;

an operation switch for predetermined operation; and

a vibration generator for notifying that the electronic clinical thermometer is in a predetermined state;

wherein the electronic clinical thermometer has a width and a thickness, and a longitudinal length that is longer than the width and the thickness; and the operation switch and the vibration generator are arranged on one side of the display device in the longitudinal direction of the electronic clinical thermometer; the display device, the operation switch, and the vibration generator are arranged in the longitudinal direction of the electronic clinical thermometer; the temperature measuring element, the display device, the operation switch, and the vibration generator are arranged in the longitudinal direction of the electronic clinical thermometer; the electronic clinical thermometer has a battery storage portion for storing a battery, and the battery storage portion is located on the side opposite the temperature measuring portion with respect to the vibration generator the electronic clinical thermometer has a circuit board on which given electronic components are mounted; the circuit board is located in a position apart from the vibration generator the circuit board is located so as not to overlap the vibration generator on a plane in the thickness direction thereof; the electronic clinical thermometer has an inside frame for holding the vibration generator horizontally to the longitudinal length, the circuit board, battery, and the display (see figures 5, 7, and 9).

and the operation switch is a switch for starting temperature measuring operation, and the vibration generator is actuated before measurement is started after the operation switch is operated.

Allowable Subject Matter

4. Claims 5, 9, and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and amended to overcome the objections set forth in this Office action.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

An electronic clinical thermometer for measuring a body temperature of an organism, wherein the vibration generator is a vibration motor having a rotating shaft and an eccentric weight rotatable around the rotating shaft and extending long in the direction of the rotating shaft, and the vibration motor is located so that the rotating shaft thereof extends at right angles to the longitudinal direction of the electronic clinical thermometer (see claim 5); the vibration generator is a vibration motor having a rotating shaft and an eccentric weight rotatable around the rotating shaft, the inside frame is formed with a notch portion or a recess, and the eccentric weight of the vibration motor is located in the notch portion or the recess (see claim 9); the electronic clinical thermometer has a sheath case for holding the inside frame, and the first

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support portion or the second support portion is supported by the inner surface of the sheath case (see claim 14); or the vibration generator is actuated before measurement is started after the operation switch is operated (see claim 17).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ
October 29, 2006



Mirellys Jagan

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Patent Examiner
Technology Center 2800